

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

THE UNITED STATES OF AMERICA,)

Plaintiff and Counter-Defendant,)

v.)

CIVIL ACTION NO. 8:23-cv-00416

GENERAL DYNAMICS CORPORATION)

and)

DOW CHEMICAL COMPANY,)

Defendants and Counterclaimants.)

SECOND DECLARATION OF MATTHEW J. WARD

I, Matthew J. Ward, declare and state as follows:

1. I am the Chief of the Environmental Remediation Section with responsibility over the Formerly Used Defense Sites (FUDS) Program in the Kansas City District of the United States Army Corps of Engineers (USACE). As the Chief of this Section, I am responsible for supervision and oversight of the Project Managers for the FUDS projects that are the responsibility of the Kansas City District, including the Former Nebraska Ordnance Plant (FNOP) Operable Unit 2 (OU2) groundwater response action. Since 2012, I have been involved with the FNOP OU2 project, and starting 2018, I was the FUDS Program Manager until 2022 when I assumed my current position.

2. The United States filed the Administrative Record Index for OU2 with the Court on March 8, 2024 (ECF Nos. 42–50), accompanied by my declaration attesting to the completeness of that Index. The Administrative Record Index identified the documents comprising the

administrative record for the FNOP OU2 remedy selection issued in 1997 by USACE and the U.S. Environmental Protection Agency (EPA).

3. This declaration amends my previous declaration filed with the Court (ECF Nos. 42–50) to confirm that all documents referenced in or cited by the documents listed on the Administrative Record Index are also part of the administrative record.

4. This declaration is made under the provisions of 28 U.S.C. § 1746. I declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge.

Executed on this 2ND day of July 2024, in Kansas City, Missouri.

A handwritten signature in black ink, appearing to read 'Matthew J. Ward', is written over a horizontal line.

MATTHEW J. WARD